

### REMARKS


The originally filed claims are Claims 1-60. Applicants have now cancelled claims 1-14, 24-25 and 37-60 without prejudice or disclaimer to the subject matter claimed therein. Claim 26 is currently amended.

Applicants respectfully submit that the instant amendments to claim 26 add no new matter to the application. Specifically, these amendments are supported, for example, by Paragraphs [0020], [0038] and [0044] of the specification as originally filed.

Applicants look forward to receiving a substantive action on the merits of the application.

Should the Patent Office deem that any further action on the part of Applicants would be desirable, the Office is invited to telephone the undersigned attorney.

Respectfully submitted,

  
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PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: CON'T of 10/785,665  
Filing Date: not yet assigned  
1st Named Inventor: Ringeisen, Timothy

Previous Group Art Unit: 1615  
Attorney Docket No.: P0142.1  
Prev. Examiner: Azpuru, Carlos A.

Title: Gel Suitable for Implantation and Delivery System

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Certificate of Mailing Under 37 CFR 1.8**

I hereby certify that the following correspondence is being deposited with sufficient postage as first class mail in an envelope addressed to: *Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450*

on December 15, 2008:

Preliminary Amendment

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Signature

Jeffrey R. Ramberg

Typed or printed name of person signing Certificate